UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10 and 22-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is responsive to the amendment after non-final filed on 26 October

2009.

2.   Claims 1-3, 5-10, and 22-26, of which claims 25 and 26 are new, are

pending and considered below.

Response to Amendment

3.   The 35 U.S.C. 112 rejections of claims 22-24 are withdrawn.

Response to Arguments

4.   Applicant's arguments filed 26 October 2009 have been fully considered

but they are not persuasive.

Regarding the art rejections of claims 1-3, 5-7, 9 and 10, Applicants argue

that Jong and Kredo are not combinable because "the combination involves

graphical elements being input to a component that accepts only text as an

input". In particular Applicants take issue with the Examiner interpretation of

Kredo in col. 7, lines 6-8. In this respect, Applicants argue: " cited passage of

Kredo (col. 7, lines 6-8) is not describing alternatives, but rather is describing that

different inputs will be translated into different types of outputs, according to

standard practice. The passage mentions that the outputs may be numbers,

acronyms, icons or abbreviations. Contrary to the implication in the Office Action,

the passage does not describe an alternative in which all inputs are translated to

numbers and an alternative in which all inputs are translated to acronyms, and

yet other alternatives in which all inputs are translated to icons or abbreviations, respectively. Rather, the passage should be fairly read as describing a system that translates text into a mix of numbers, acronyms, icons and abbreviations, with the mix depending on the specific content of the input text". The Examiner respectfully disagrees. Kredo discloses the "`translation may change select words or phrases into numbers, acronyms, icons, or abbreviations, as is standard practice for IM`" (emphasis added). It is clear from this citation and the emphasized term "or" (which implies the different translations in the alternative) that some select words can be translated to textual data per se (acronym or abbreviation). For example "Laughing Out Loud" would be translated to "LOL" which is purely text and on which speech synthesis can be performed. In other words, contrary to Applicants' assertion, it is not necessary for Kredo's output to comprise graphical elements.

Applicants note that "The Office Action points to a passage of Kredo (col. 8, lines 29-33) that describes text to speech conversion. Presumably, the Office Action implies that this passage of Kredo teaches that the output of the translator, including graphical elements, is converted to speech". However, the passage was cited to show that Kredo teaches text-to-speech and not to show converting graphical elements to speech.

Applicants also argue that Kredo and Marko cannot be combined because Kredo may output non-textual elements. However, as presented in the above arguments, non-textual outputs are not required and only textual elements may be output.

Regarding the art rejections of claims 22 and 24, Applicants argue that the

cited references fail to teach sending speech in messages using SMS. However,

it is noted that the features upon which applicant relies (i.e., sending speech in

messages using SMS) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,

26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants also argue that Jong's phones cannot communicate using

Astrom's SMS technology because Jong's phones are connected to computing

gateways with access to the internet. The Examiner respectfully disagrees. There

is no reason why a properly enabled phone connected to gateways as disclosed

in Jong can also send text messages using SMS. It is also noted that Applicants'

own phones perform on-line chats, implying an internet connection, while also

being enabled to send SMS messages.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 1-3, 5-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN

6,816,578) and in further view of Marko et al. (USPGPub 2004/0049389).

Claim 1:

Jong discloses a method of reducing bandwidth requirements in an on-line

chat system (col. 1, line 65 to col. 2, line 5), comprising the steps of:

receiving a speech input at a calling party ("receiving audio input

signals from the user", col. 3, lines 13-20);

transcribing the speech input to a text message in a same language

("converting them into textual representations", col. 3, lines 13-

20);

converting the text message to an alternative text message based upon at

least one of a calling party profile and a called party profile ("translates the

text data into text data of the selected language ...", col. 9,

lines 6-11, FIG. 9 and related text. Note that the specific selected language is a

called party's profile) wherein at least one of said profiles specifies replacing at

least a portion of said text message with an alternative text portion having a

same meaning as said replaced portion of said text message (the translation has

the same meaning as the text data).

However, Jong does not explicitly disclose converting the text message to

an alternative text in the same language wherein the alternative text message

has a shorter length than the replaced text message.

In a similar instant messaging system, Kredo discloses converting a text

message into an "`appropriate short hand representation`" (col. 8 lines

18-25).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to include Kredo's short hand representations in Jong's

translation dictionary because using acronyms and abbreviations is standard

practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Furthermore, Jong and Kredo do not explicitly disclose compressing the

translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the

text messages are compressed prior to transmission ("`compress the text`

`prior to transmission …`", [0021]).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to compress text messages prior to transmission in order to

"`reduce the required channel bit rate`" (Marko, [0021]).

Jong further discloses transmitting the text stream to a called party

("`textual representations are the sent to the subscriber`

`terminal`", col. 3, lines 13-20);

receiving the alternative text message by the called party as the text

stream ("`communication is achieved by the sending of`

`continuous streams of text data`", col. 3, lines 20-24); and

rendering the alternative text message by converting the alternative text

message into speech output at the called party substantially in real-time ("`the`

text data … may be forwarded to the text to speech

conversion device… where the text data in converted …

enabling real time speech communication using text data

transmission", col. 5, lines 25-33).

Claim 2:

Jong, Kredo and Marko disclose the method of claim 1, Jong further

discloses, wherein the method further comprises the step of sending a voice

signature of the calling party to the called party ("a speech pattern of the

party actually sending the text data may be stored ... in

order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 3:

Jong, Kredo and Marko disclose the method of claim 1, Jong further

discloses, wherein the method further comprises the step of maintaining a voice

signature repository of the calling party for access by a called party of a voice

signature of the calling party when receiving a call from the calling party ("a

speech pattern of the party actually sending the text data

may be stored in the speech pattern database ... in order

to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 5:

Jong, Kredo and Marko disclose the method of claim 2, Jong further

discloses, wherein the alternative text message is converted at the called party to

the speech output by using text-to-speech conversion in conjunction with the

voice signature of the calling party ("the text to speech converter 407

converts the text data into speech output signals using

synthesized speech pattern", col. 6, lines 13-16, "a speech pattern

of the party actually sending the text data may be stored

... in order to obtain a synthesized speech output", col. 6, lines

28-31).

Claim 6:

Jong, Kredo and Marko disclose the method of claim 1, Jong further

discloses, wherein the method further comprises the step of translating the

alternative text message to another language to provide a translated alternative

text message ("the language translator 900 performs language

translation", col. 9, lines 14-19).

Claim 7:

Jong, Kredo and Marko disclose the method of claim 6, Jong further

discloses, wherein the step of transmitting comprises the step of transmitting the

translated alternative text message ("the speech recognition device

203 outputs text data in a selected language", col. 8, lines 61-64).

Claim 9:

Jong, Kredo and Marko disclose the method of claim 6, Jong further

discloses, wherein the step of converting translated alternative the text message

is converted at the called party to the speech output by using text-to-speech

synthesis in conjunction with the voice signature of the calling party ("the text

to speech converter 407 converts the text data into speech

output signals using synthesized speech pattern ", col. 6, lines

13-16, "a speech pattern of the party actually sending the

text data may be stored ... in order to obtain a

synthesized speech output", col. 6, lines 28-31).

Claim 10:

Jong, Kredo and Marko disclose the method of claim 6, Jong further

discloses, wherein the method further comprises:

adding the translated alternative text message to the data stream

("textual representations are the sent to the subscriber

terminal", col. 3, lines 13-20);

displaying the translated alternative text message in the called party's

location substantially in real time ("the text data can be displayed", col.

5, lines 24-30).

7.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) in further view

of Marko et al. (USPGPub 2004/0049389) and in further view of Flanagan et al.

(USPN 6,339,754).

Claim 8:

Jong, Kredo and Marko disclose and make obvious the method of claim 6,

however, none of Jong, Kredo or Marko explicitly disclose, wherein the step of

translating the alternative text message occurs in a server on a network coupled

between the calling party and the called party.

Flanagan discloses a speech translation system similar to Jong's where

"translation services are provided by one or more dedicated

servers …" (col. 6, lines 46-50).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to use translation servers as suggested by Flanagan, for the

translation step in Jong's method in order to avoid every device used in Jong's

system having to be equipped with a translation system and use a common

translation system on a network as is well known in the computing arts.

8.   Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jong (USPN 6,173,250) in view of Astrom (USPN 5,579,372).

Claim 22:

Jong discloses a method of reducing bandwidth requirements in an on-line

chat system between a first party and a second party (col. 1, line 65 to col. 2, line

5), the method comprising the steps of:

with a mobile phone ("subscriber terminals 100 and 110 may

be … telephones (wired or wireless", col. 2, line 65 to col. 3, line 3),

receiving a speech input at a calling party; within the mobile phone, transcribing

the speech input to a text message in a same language ("subscriber

terminal 100 may then initiate communication with

subscriber terminal 110 via the data network 150 by

receiving audio input signals from the user and converting

them into textual representations of the audio input

signals", col. 3, lines 13-20); and

transmitting from the mobile phone a stream of the text directed to the

second party ("textual representations are then sent to the

subscriber terminal 110 … realtime communication is

achieved by the sending of continuous streams of text data

over the data network 150", col. 3, lines 13-24).

However, Jong does not explicitly disclose transmitting the stream using

the SMS messaging protocol.

It is old and well known to use SMS to send text messages in mobile

phones, as is disclosed in Astrom (col. 1, lines 6-9).

Therefore, it would have been obvious to one with ordinary skill in the art

to have transmitted Jong's text data stream using Astrom's method because

SMS is a widely used standard for mobile phone text messaging.

Claim 24:

Jong in view of Astrom discloses the method of claim 22, Jong further

discloses:

converting the text in the stream of SMS messages to speech ("text to

speech converter 407 converts the text data into speech

output signals", col. 6, lines 13-16); and

rendering the speech as an output to the second party ("speech output

signals are then output to the receiving party through the

speech output device 211", col. 6, lines 19-20).

9.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jong (USPN 6,173,250) in view of Astrom (USPN 5,579,372) in further view of

Marko et al. (USPGPub 2004/0049389).

Claim 23:

Jong in view of Astrom discloses the method of claim 22, however, neither

Jong nor Astrom explicitly discloses compressing the text message prior to

transmission.

Marko discloses a similar method of transmitting text messages where the

text messages are compressed prior to transmission ("`compress the text`

`prior to transmission …`", [0021]).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to compress text messages prior to transmission in order to

"`reduce the required channel bit rate`" (Marko, [0021]).

10.   Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN

6,816,578) and in further view of Astrom (USPN 5,579,372).

Claim 25:

Jong discloses a method of reducing bandwidth requirements in an on-line

chat system between a first party and a second party (col. 1, line 65 to col. 2, line

5), the method comprising the steps of:

with a mobile phone ("`subscriber terminals 100 and 110 may`

`be … telephones (wired or wireless`", col. 2, line 65 to col. 3, line 3),

receiving a speech input at a calling party; within the mobile phone, transcribing

the speech input to a text message in a same language ("`subscriber`

`terminal 100 may then initiate communication with`

`subscriber terminal 110 via the data network 150 by`

`receiving audio input signals from the user and converting`

`them into textual representations of the audio input`

`signals`", col. 3, lines 13-20); and

transmitting from the mobile phone a stream of the text directed to the

second party ("`textual representations are then sent to the`

`subscriber terminal 110 … realtime communication is`

`achieved by the sending of continuous streams of text data`

`over the data network 150`", col. 3, lines 13-24); and

translating, for at least a portion of the text message, the text of the portion

before delivery to the second party ("`translates the text data into`

`text data of the selected language …`", col. 9, lines 6-11, FIG. 9 and

related text).

However, Jong does not explicitly disclose the translation being performed

within a voice portal server.

In a similar instant messaging system, Kredo discloses translating a

portion of text within a voice portal server before delivery to a second party ("`The`

`text is delivered to the IM proxy server 26 (step 152),`

which translates or otherwise creates an IM message for

delivery to user B (step 154", col. 7, lines 2-11).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to have performed Jong's translation using a server as disclosed

in Kredo in order to take advantage of the computing prowess provided by the

server.

Further, Jong and Kredo do not explicitly disclose transmitting the stream

using the SMS messaging protocol.

It is old and well known to use SMS to send text messages in mobile

phones, as is disclosed in Astrom (col. 1, lines 6-9).

Therefore, it would have been obvious to one with ordinary skill in the art

to have transmitted Jong's text data stream using Astrom's method because

SMS is a widely used standard for mobile phone text messaging.

Claim 26:

Jong, Kredo, and Astrom disclose the method of claim 25, Jong further

discloses wherein the speech is transcribed into text in a first language

("subscriber terminal 100 may then initiate communication

with subscriber terminal 110 via the data network 150 by

receiving audio input signals from the user and converting

them into textual representations of the audio input

signals", col. 3, lines 13-20).

However, Jong does not explicitly disclose wherein translating comprises

converting the transcribed text into alternative text in the same language.

In a similar instant messaging system, Kredo discloses converting a text

message into an "appropriate short hand representation" in the same

language (col. 8 lines 18-25).

It would have been obvious to one with ordinary skill in the art at the time

of the invention to include Kredo's short hand representations in Jong's

translation dictionary because using alternative text such as acronyms and

abbreviations is standard practice for instant messaging systems (Kredo, col. 7,

lines 6-8).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL G. NEWAY whose telephone number is (571)270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2626

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